

REMARKS

Responsive to the restriction requirement imposed in the Official Action of June 10, 2004, applicants provisionally elect Group I, drawn to a method of treatment of Alzheimer's disease by administration of an antibody, with traverse. As claims 44-48 are also directed to a method of treating Alzheimer's disease by the administration of an antibody, applicants believe that claims 44-48 should also be examined with claims 27 and 32-33.

Claims 44-45 were added in the amendment of March 25, 2004. The present amendment adds new claims 46-48. Support for new claims 46-48 may be found generally throughout the specification and the claims. In particular, support may be found in claims 41-43 and in the present specification at page 9, lines 8-17; page 8, lines 5-25; page 6, lines 1-5; page 6, lines 5-10; and page 4, lines 4-26.

Applicants believe that the restriction requirement is improper and should not be repeated for the following reasons:

1. In imposing the rejection, the Official Action alleges that the inventions of Groups I and II are unrelated. However, Invention I refers to active immunization of an inventive antibody (i.e. raised against the inventive peptide in the unique protofibril confirmation) and Invention II refers to passive immunization of said inventive antibody, which has been created using the same inventive peptide. The raising of the

antibodies is performed in a similar manner, the only difference lies in the subsequent further development of the antibodies after the antibodies have been raised. Thus, applicants do not believe that the inventions are unrelated as alleged by the Official Action.

2. Applicants do not believe that the Examiner can contend that a search and examination of the present application presents a serious burden. MPEP §803 plainly states that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". In the prosecution of the present application, the Examiner has already examined the subject matter of the claims set forth in Groups I and II. Indeed, claims 27 and 32-33 were added in the amendment filed on April 21, 2003. Those claims were then examined and subsequently rejected in the Office Action mailed on May 25, 2003. Claims 24-38 were then further discussed in an interview with the Examiner, John Ulm, Pär Gellerfors and the undersigned on October 21, 2003. As a result, applicants do not believe that the Examiner can now contend that the examination of both groups presents a serious burden.

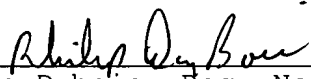
3. Separate classification is no evidence of the propriety of requirement for restriction. Classification is solely for the convenience of the Patent Office and the searching public, and cannot diminish an applicant's rights in any way.

In view of the above remarks, it is respectfully submitted that the outstanding restriction requirement is improper and must be withdrawn. Applicants request the examination of all the pending claims in their full scope.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

  
\_\_\_\_\_  
Philip Dubois, Reg. No. 50,696  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

PD/lk